

BEFORE HON'BLE LOKAYUKTA
JUSTICE MANMOHAN SARIN
COMPLAINT NO. C-2082//LOK/2013

IN RE:-

COMPLAINT OF SHRI MANOJ KUMAR, PRESIDENT, HUMAN RIGHTS WELFARE & SOCIAL WELFARE SOCIETY, 21/21, RAJ NIWAS MARG, CIVIL LINES, DELHLI-110054 - COMPLAINANT / INFORMANT, AGAINST RAMPANT UNAUTHORISED CONSTRUCTIONS IN SADR PAHARGANJ ZONE, NORTH DELHI MUNICIPAL COPROATION.

JUSTICE MANMOHAN SARIN (ORAL):-

ORDER

1. A complaint dated 30th May 2013 from Shri Manoj Kumar, President, on the letter head of Human Rights Welfare & Social Welfare Society, was received in this Forum, alleging large scale unauthorized construction in Sadar Paharganj Zone by the building mafia under the protection of public functionaries with collusion of corrupt municipal officers. It was alleged that illegal guest houses, markets and multi-storeyed flats were being constructed. Particulars of properties were also mentioned.
2. Report from Sadar Paharganj Zone, NDMC, was called for. Complainant was also asked to give further and

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better particulars regarding alleged involvement of public functionaries and under whose protection, allegedly unauthorized constructions were being carried out.

3. Complainant initially sought time to produce the same. During the course of proceedings, he expressed his inability to furnish particulars at this stage and stated that he would do so and file a fresh complaint as and when the same were available.
4. In the meantime, the earlier status report submitted by Sadar Paharganj Zone, on 13-08-2013, was not comprehensive and did not incorporate the details of occupants / owners of the properties and the extent of unauthorized constructions booked. Thereupon, the NDMC filed another report dated 5-9-2013, on 6th Sept. 2013, before the Officer on Special Duty. The matter has been put up before the Lokayukta, for directions and disposal, today.
5. In view of the fact that in the proceedings so far, nothing has been disclosed regarding involvement of public functionaries, there would be no purpose of continuing with the inquiry under the Delhi Lokayukta & Upalokayukta Act, 1995.
6. As regards rampant unauthorized constructions, for which photographs and particulars were given, it is not feasible

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for this Forum to monitor the action being taken against unauthorized constructions. The statutory duty of the Forum is fulfilled on bringing these to the attention of the Municipal authorities and the Commissioner, who have the statutory mandate to act against unauthorized constructions.

7. While in the passing, it may be noticed that the report simply states that the unauthorized constructions have been booked. It would be necessary for the Commissioner to have a mechanism in place to monitor these, so that they are taken to its logical conclusion.
8. In some cases, such as at S.No.3, it is mentioned that regularization application has been submitted. The same would also need to be followed up so that in the garb of regularization, the non-compoundable portions do not continue to remain there.
9. In cases such as at S. No. 2, 9, 11, 12, 13, 14, 15 and 20, it has been simply stated that no building material has been found at site, or the names of owners are stated without clarifying whether their buildings have sanctioned plans and whether the construction is in accordance with the same. These cases would require further details. Similarly, all cases

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where unauthorized constructions have been booked
would need to be followed up.

10. The complaint is dismissed with these observations, with a copy of this Order being sent to the Commissioner, North Delhi Municipal Corporation, along with copy of the latest report filed. File be consigned to record.


(JUSTICE MANMOHAN SARIN)
LOKAYUKTA

DATE: *10th* SEPTEMBER, 2013

HEMANT